IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 23599 of 2004(H)

ARC.79/2000 of SUB COURT, OTTAPPALAM
.....

PETITIONER:

CHANDRAN, S/O. RAMANKUTTY, AGED 44 YEARS
KOODANTHODI, KOTTAPPURAM, SREEKRISHNAPURAM (VIA)
PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT:

THE SECRETARY, SREEKRISHNAPURAM BLOCK
BHAVANA NIRMANA SAHAKARANA SANGHAM LTD.
NO.0814, SREEKRISHNAPURAM, PALAKKAD DISTRICT

BY ADV. SRI.SANTHEEP ANKARATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.23599/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE EXECUTION PETITION ALONG WITH THE ORDER SHEET.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.23599 OF 2004

Dated this the 9th day of August, 2007

JUDGMENT

In this writ petition filed invoking Article 227 of the Constitution of India, the petitioner, judgment debtor in an execution proceedings, challenge the action taken to put an item of property to sale. Though the plea of the petitioner is that the property is worth Rs.4,50,000/- and the decree debt is only Rs.1,27,487/-, there is no material placed by him before the court below or this Court to substantiate the said plea. The petitioner had been granted an order of stay by this Court on 10.8.2004 on conditions imposed. He has enjoyed that order for three years. Therefore, any grounds referable to the plea of the petitioner that there is inadequacy in price no more survive for consideration. There is also no material to hold that the impugned proceeding is vitiated. The writ petition fails and is, accordingly, dismissed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.